

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

THOMAS ALVARADO,

Plaintiff,

vs.

WARDEN CROSSROAD
CORRECTIONAL CENTER, et al.,

Defendants.

CV 15-00005-GF-BMM-JTJ

ORDER

Plaintiff Thomas Alvarado, a prisoner proceeding without counsel, filed a document entitled “Plaintiff’s Appeal to Defendant’s Refusal to Produce Answers to Interrogatories.” (Doc. 58.) The motion is construed as a motion to compel and as such it will be denied.

Mr. Alvarado failed to comply with Fed.R.Civ.P. 37(a)(1), D.Mont. L.R. 7.1(c)(1), and D.Mont. L.R. 26.3(c). As set forth in the Court’s Amended Scheduling Order,

The Court will not consider motions to compel or other discovery disputes unless the moving party complies with Fed. R. Civ. P. 37(a)(1) (“The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.”); D. Mont. L.R. 7.1(c)(1) (“The text of the motion must state that other parties have been contacted and state whether any party objects to the motion.”); and D. Mont. L.R. 26.3(c) (“The Court

will deny any discovery motion unless the parties have conferred concerning all disputed issues before the motion is filed.”).

(Amd. Sch. Ord., Doc. 33 at 7.) These rules require Mr. Alvarado to contact opposing counsel and discuss his discovery issues prior to filing any discovery motions. Mr. Alvarado was advised in the Court’s September 26, 2016 Order that he could not file any further discovery motions until he has complied with these rules. (Doc. 49.) There is no indication that Mr. Alvarado complied with these rules and Defendants represent that he failed to comply.

Second, Mr. Alvarado failed to comply with Local Rule 26.3(c)(2) which requires all discovery motions to attach as an exhibit the full text of the discovery sought and the full text of the response.

Accordingly, IT IS HEREBY ORDERED THAT “Plaintiff’s Appeal to Defendant’s Refusal to Produce Answers to Interrogatories” (Doc. 58) as construed as a motion to compel is DENIED.

DATED this 20th day of January 2017.

/s/ John Johnston
John Johnston
United States Magistrate Judge